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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,953	09/26/2003	Denny Jaeger	4340	7290
7590 04/28/2010				
Harris Zimmerman Law Offices of Harris Zimmerman Suite 710 1330 Broadway Oakland, CA 94612-2506		EXAMINER LONG, ANDREA NATAE		
		ART UNIT 2175		
		MAIL DATE 04/28/2010		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,953

Applicant(s)

JAEGER, DENNY

Examiner

Andrea N. Long

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 10-20, 22-31 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-20, 22-31, 33-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/07/2009 has been entered.

Applicant's Response

In Applicant's Responses dated 12/07/2009, Applicant amended claims 6, 10-12, 18, 22-24, 30, and 33-35, cancelled claims 9, 21 and 32, and argued against all objections and rejections previously set forth in the Office Action dated 10/30/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 10-19, and 22-31 and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al (US Patent 6459442 B1), hereinafter "Edwards" in view of Moran et al (US Patent 5471578), hereinafter "Moran".

As to independent claim 6, Edwards teaches a graphic user interface for an electronic device with a display (column 1 lines 64-66) comprising:

a global drawing surface (Fig 1 reference character 104, the area contained within the bordered region of the display) on which different graphic elements can be created, said different graphic elements existing on said global drawing surface (column 4 lines 53-59, Edwards teaches using freehand strokes to define events to produce on the display); and

a display-and-control graphic element (graphic segments and behaviors) on said global drawing surface having a local drawing surface (Fig 1, the local drawing surface is any area located with the global drawing surface) on which additional graphic elements can be created (column 5 lines 14-37, Edwards teaches graphic segments and associated strokes being drawn on a localized area of the display), said display-and-control graphic element having a viewable area (Fig 1), said display-and-control graphic element being configured such that said additional graphic elements on said local drawing surface are managed by said display-and-control graphic but exist on said global drawing surface (column 5 lines 3-37, Edwards teaches strokes, behaviors, and graphic segments can be utilized on any region of the display). However Edwards, does not teach said display-and-control graphic that can selectively display a portion of said local drawing surface such that some of said local drawing surface is not displayed. Cropping and clipping are well known terms used to describe resizing, trimming, and hiding of certain areas of a display. It is also well known in the art that cropping and clipping can occur by the user selecting a portion of a display to be viewed.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have included cropping or clipping with Edwards' system to allow a user to focus on a primary subject and sharpening an area by cropping or clipping simply creates a clearer, better looking layout which is important when paying attention to detail is critical.

Edward does not teach wherein a first graphic element of said additional graphic elements is displayed in said display-and-control graphic element and a second graphic element of said different graphic element is displayed outside of said display-and-control graphic element, and wherein said second graphic element outside of said display-and-control graphic element has a defined operational relationship with said first graphic element in said display-and-control graphic element.

Moran teaches wherein a first graphic element of said additional graphic elements is displayed in said display-and-control graphic element and a second graphic element of said different graphic element is displayed outside of said display-and-control graphic element, and wherein said second graphic element outside of said display-and-control graphic element has a defined operational relationship with said first graphic element in said display-and-control graphic element (Fig. 11(a) – 11(c), column 7 lines 21-39).

Both Edward and Moran are directed to a universal tool system using freeform to direct functionality onto objects. It would have been obvious to one skilled in the art to have combined the teachings of Edward and Moran to allow for alteration of user selection without going through laborious tasks of redrawing the entire gesture.

As to dependent claim 7, Edwards teaches said display-and-control graphic element is configured such that said local drawing surface provides a same operational environment as said global drawing surface (column 2 lines 7-9, column 4 lines 13-31 Edwards teaches the user interface being implemented in a display editing system).

As to dependent claim 10, Edwards in view of Moran as discussed above teaches wherein said first graphic element in said display-and-control graphic element and said second graphic element on said global drawing surface are configured such that said first graphic element is controlled by said second graphic element (column 2 lines 35-42, Edwards teaches that the segment controller, regardless if it is the first or second graphic element, can control the output of a selected segment). Moran teaches combining the first and second graphical element (Fig. 11(a) – 11(c), column 7 lines 21-39). The combining of the graphical elements therefore provides a universal control of the graphical elements as one element.

As to dependent claim 11, Edwards in view of Moran as discussed above teaches wherein said first graphic element in said display-and-control graphic element and said second graphic element on said global drawing surface are configured such that said second graphic element is controlled by said first graphic element (column 2 lines 35-42, Edwards teaches that the segment controller, regardless if it is the first or second graphic element, can control the output of a selected segment). Moran teaches combining the first and second graphical element (Fig. 11(a) – 11(c), column 7 lines 21-39). The combining of the graphical elements therefore provides a universal control of the graphical elements as one element.

As to dependent claim 12, Edwards teaches wherein said different graphic elements, said additional graphic elements and said display-and-control graphic element can be saved as a log, including relative positions and functional associations of said different graphic elements, said additional graphic elements and said display-and-control graphic element (column 8 line 40 through column 9 line 18).

As to dependent claim 13, Edwards teaches a second display-and-control graphic element on said global drawing surface, said second display-and-control graphic element including a graphic element that is functionally linked with a particular graphic element, said particular graphic element being one of said different graphic elements on said global drawing surface or one of said additional graphic elements in said display-and-control graphic element (Fig 17, column 10 lines 36-52).

As to dependent claim 14, Edwards teaches a second display-and-control graphic element on said local drawing surface of said display-and-control graphic element such that said second display-and-control graphic element is located within said display-and-control graphic element, said second display-and-control graphic element including a graphic element that is functionally linked with a particular graphic element, said particular graphic element being one of said different graphic elements on said global drawing surface or one of said additional graphic elements in said display-and-control graphic element (Fig 17, column 10 lines 36-52).

As to dependent claim 15, Edwards teaches a graphic control device on said global drawing surface, said graphic control device being functionally linked with a particular graphic element of said additional graphic elements in said display-and-control graphic element such that a relative layering position of said particular graphic element is controlled by said graphic control device (Fig 19 and 20, column 53-65).

As to dependent claim 16, Edwards teaches a second display-and-control graphic element associated with a particular graphic element of said different graphic elements, said second display-and-control graphic element being configured to be activated to modify a property of said particular graphic element (column 5 lines 7-13).

As to dependent claim 17, Edwards teaches said second display-and-control graphic element is one of a set of display-and-control graphic elements, each display-and-control graphic element of said set being configured to be activated to modify a unique property of said particular graphic element (column 5 lines 7-13).

As to independent claim 18, is rejected under the same reasoning as claim 6.

As to dependent claim 19, is rejected under the same reasoning as claim 7.

As to dependent claim 22, Edwards as modified by Moran teaches wherein said first graphic element in said display-and-control graphic element and said second graphic element on said global drawing surface are configured such that said first graphic element is controlled by

said second graphic element (column 2 lines 35-42, Edwards teaches that the segment controller, regardless if it is the first or second graphic element, can control the output of a selected segment). Moran teaches combining the first and second graphical element (Fig. 11(a) – 11(c), column 7 lines 21-39). The combining of the graphical elements therefore provides a universal control of the graphical elements as one element.

As to dependent claim 23, Edwards as modified by Moran teaches wherein said first graphic element in said display-and-control graphic element and said second graphic element on said global drawing surface are configured such that said second graphic element is controlled by said first graphic element (column 2 lines 35-42, Edwards teaches that the segment controller, regardless if it is the first or second graphic element, can control the output of a selected segment). Moran teaches combining the first and second graphical element (Fig. 11(a) – 11(c), column 7 lines 21-39). The combining of the graphical elements therefore provides a universal control of the graphical elements as one element.

As to dependent claim 24, Edwards teaches wherein said different graphic elements, said additional graphic elements and said display-and-control graphic element can be saved as a log, including relative positions and functional associations of said different graphic elements, said additional graphic elements and said display-and-control graphic element (column 8 line 40 through column 9 line 18).

As to dependent claim 25, Edwards teaches wherein said graphic user interface further comprises a second display-and-control graphic element on said global drawing surface, said second display-and-control graphic element including a graphic element that is functionally linked with a particular graphic element, said particular graphic element being one of said different graphic elements on said global drawing surface or one of said additional graphic elements in said display-and-control graphic element (Fig 17, column 10 lines 36-52).

As to dependent claim 26, Edwards teaches a second display-and-control graphic element on said local drawing surface of said display-and-control graphic element such that said second display-and-control graphic element is located within said display-and-control graphic element, said second display-and-control graphic element including a graphic element that is functionally linked with a particular graphic element, said particular graphic element being one of said different graphic elements on said global drawing surface or one of said additional graphic elements in said display-and-control graphic element (Fig 17, column 10 lines 36-52).

As to dependent claim 27, Edwards teaches a graphic control device on said global drawing surface, said graphic control device being functionally linked with a particular graphic element of said additional graphic elements in said display-and-control graphic element such that a relative layering position of said particular graphic element is controlled by said graphic control device (Fig 19 and 20, column 53-65).

As to dependent claim 28, Edwards teaches a second display-and-control graphic element associated with a particular graphic element of said different graphic elements, said second display-and-control graphic element being configured to be activated to modify a property of said particular graphic element (column 5 lines 7-13).

As to dependent claim 29, Edwards teaches said second display-and-control graphic element is one of a set of display-and-control graphic elements, each display-and-control graphic element of said set being configured to be activated to modify a unique property of said particular graphic element (column 5 lines 7-13).

As to independent claim 30, Edwards teaches a method for providing a computer environment comprising:

generating a display-and-control graphic element having a local drawing surface (Fig 1, the local drawing surface is any area located with the global drawing surface) on a global drawing surface (Fig 1 reference character 104, the area contained within the bordered region of the display), said display-and-control graphic element having a viewable area (Fig 1) ; and

creating a graphic element on said local drawing surface of said display-and-control graphic element such that said graphic element is managed by said display-and-control graphic but exist on said global drawing surface (column 5 lines 3-37, Edwards teaches strokes, behaviors, and graphic segments can be utilized on any region of the display). However Edwards, does not teach said display-and-control graphic that can selectively display a portion of said local drawing surface such that some of said local drawing surface is not displayed.

Cropping and clipping are well known terms used to describe resizing, trimming, and hiding of certain areas of a display. It is also well known in the art that cropping and clipping can occur by the user selecting a portion of a display to be viewed.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have included cropping or clipping with Edwards' system to allow a user to focus on a primary subject and sharpening an area by cropping or clipping simply creates a clearer, better looking layout which is important when paying attention to detail is critical.

Edward does not teach creating a second graphic element on said global drawing surface local drawing surface outside of said display-and-control graphic element; and defining an operational relationship between said graphic element in said display-and-control graphic element and said second graphic element outside of said display-and-control graphic element.

Moran teaches creating a second graphic element on said global drawing surface local drawing surface outside of said display-and-control graphic element; and defining an operational relationship between said graphic element in said display-and-control graphic element and said second graphic element outside of said display-and-control graphic element (Fig. 11(a) – 11(c), column 7 lines 21-39).

Both Edward and Moran are directed to a universal tool system using freeform to direct functionality onto objects. It would have been obvious to one skilled in the art to have combined the teachings of Edward and Moran to allow for alteration of user selection without going through laborious tasks of redrawing the entire gesture.

As to dependent claim 31, Edwards teaches wherein said display-and-control graphic element is configured such that said local drawing surface provides a same operational environment as said global drawing surface (column 2 lines 7-9, column 4 lines 13-31 Edwards teaches the user interface being implemented in a display editing system).

As to dependent claim 33, Edwards as modified by Moran above teaches wherein said defining said operational relationship includes defining said operation relationships between said graphic element in said display-and-control graphic element and said second graphic element outside of said display-and-control graphic element such that said graphic element is controlled by said second graphic element (column 2 lines 35-42, Edwards teaches that the segment controller, regardless if it is the first or second graphic element, can control the output of a selected segment). Moran teaches combining the first and second graphical element (Fig. 11(a) – 11(c), column 7 lines 21-39). The combining of the graphical elements therefore provides a universal control of the graphical elements as one element.

As to dependent claim 34, Edwards as modified by Moran above teaches wherein said defining said operational relationship includes defining said operation relationships between said graphic element in said display-and-control graphic element and said second graphic element outside of said display-and-control graphic element such that said second graphic element is controlled by said graphic element (column 2 lines 35-42, Edwards teaches that the segment controller, regardless if it is the first or second graphic element, can control the output of a selected segment). Moran teaches combining the first and second graphical element (Fig.

11(a) – 11(c), column 7 lines 21-39). The combining of the graphical elements therefore provides a universal control of the graphical elements as one element.

As to dependent claim 35, Edwards teaches saving said graphic element, said second graphic element and said display-and-control graphic element, including relative positions and functional associations of said graphic element, said second graphic element and said display-and-control graphic element, as a log (column 8 lines 40 through column 9 line 18).

As to dependent claim 36, Edwards teaches generating a second display-and-control graphic element on said global drawing surface, creating a second graphic element in said second display-and-control graphic element, and functionally linking said graphic element in said display-and-control graphic element with said second graphic element in said second display-and-control graphic element (Fig 17, column 10 lines 36-52).

As to dependent claim 37, Edwards teaches generating a second display-and-control graphic element on said local drawing surface of said display-and-control graphic element such that said second display-and-control graphic element is located within said display-and-control graphic element, creating a second graphic element in said second display-and-control graphic element, and functionally linking said graphic element in said display-and-control graphic element with said second graphic element in said second display-and-control graphic element (Fig 17, column 10 lines 36-52).

As to dependent claim 38, Edwards teaches functionally linking a graphic control device on said global drawing surface with said graphic element such that a relative layering position of said graphic element with respect to other graphic elements on said local global surface of said display-and-control graphic element is controlled by said graphic control device (Fig 19 and 20, column 53-65).

As to dependent claim 39, Edwards teaches generating a second display-and-control graphic element on said global drawing surface that is associated with a particular graphic element on said global drawing surface, said second display-and-control graphic element being configured to be activated to modify a property of said particular graphic element (column 5 lines 7-13).

As to dependent claim 40, Edwards teaches said generating of said second display-and-control graphic element includes generating a set of display-and-control graphic elements, each display-and-control graphic element of said set being configured to be activated to modify a unique property of said particular graphic element (column 5 lines 7-13).

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Moran in further view of DeStefano (US Patent 6184885 B1).

As to dependent claim 8, note the discussion above, Edwards teaches a display-and-control graphic element. However Edwards does not teach including one of a maximize switch

and a close switch. DeStefano teaches using input control devices such as gestures to provide user input to a computer (column 5 lines 33-43). DeStefano also teaches interface controls such as close and maximize (column 16 lines 61-65).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have implemented the controls of close and maximize teachings of DeStefano with the display-and-control graphic element of Edwards to make standard operations of a window available within the user interface.

As to dependent claim 20, it is rejected under the same reasoning as claim 8.

Response to Arguments

Applicant's arguments with respect to claims 6, 10, 11, 18, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea N Long/
Examiner, Art Unit 2175

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175